

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Francesco MEHLEM

Serial No.: 09/831,816

Art Unit: 1654

Filed: January 5, 2000

Examiner: R. Teller

For: PHARMACEUTICAL COMPOSITION

**REQUEST FOR RECONSIDERATION**

Commissioner of Patents  
PO Box 1450  
Alexandria, VA 22314-1450

Sir:

Together with a petition for a three months extension of time, Applicant requests reconsideration of the Office Action mailed May 30, 2003.

Claims 1-14 are only rejected as being unpatentable over DeBarberi (US 3,814,746) in view of Mehlem (WO 99/02177). WO '177 was filed July 7, 1998 and published January 21, 1999. The earliest WO '177 is available as a reference is its publication date.

The present application is the National phase of a PCT application and thus is entitled to its November 19, 1998 international filing date. This precedes the WO '177 January 21, 1999 publication date. Thus, WO '177 is not prior art and this rejection is overcome.

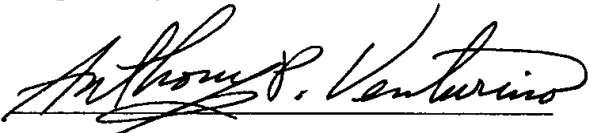
For the Examiner's information WO '177 entered the US National phase as US Patent Application serial no. 09/462,155. As stated above, WO '177 was filed July 7, 1998. This is before the November 29, 2000 effective date of the recent amendments to 35 USC 102(e). Thus, the old statute applies and this results in a 102(e) date of January 5, 2000 which is also after the international filing date of the present application.

An Information Disclosure Statement to cite US Patent Application serial no. 09/462,155 and references from its prosecution is concurrently filed with this Request for Reconsideration.

It is respectfully submitted that all objections and rejections are overcome. Hence, a Notice of Allowance is respectfully requested.

Respectfully submitted,

Date: Dec. 1, 2003

By:   
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